

KALAMAZOO COUNTY BROWNFIELD REDEVELOPMENT AUTHORITY

MEETING DATE: Thursday, March 27, 2025
PLACE OF MEETING: 201 W. Kalamazoo Ave. Kalamazoo, MI 49007 Room 207-A
TIME: 3:00 pm

March 27, 2025, MINUTES- Final Approved at 4-24-2025 meeting

Present: Jared Lutz, Jodi Milks, Monteze Morales, Kenneth Peregon and Andrew Wenzel

Members Excused: 3

Vacancies: 1

Kalamazoo Township: Craig Sherwood, Trustee

Oshtemo Township: Jodi Stefforia, Planning Director

Staff: Macy Rose Walters, Brownfield Redevelopment Administrator and Rachael Grover, Planning Director

Consultant: Therese Searles and Logan Mulholland, Fishbeck; Elliott Berlin, Varnum

Recording Secretary: Macy Rose Walters

County Commissioners: Monteze Morales and John Taylor

County Admin: none

Community: 5

1. Call to Order: **Chair Peregon called the meeting to order at 3:09 p.m.**
2. Roll Call and Members Excused: **Five (5) of eight (8) voting members were present. Christopher Carew, Chad Goodwill, Kyle Gulau were excused. Commissioner Morales lost connection at 4:12 p.m. and the meeting was paused until quorum at 4:16 p.m. Commissioner Morales was excused from the meeting at 5:18 p.m. and no action was taken, meeting notes begin on Item 7g. The presentation of materials ended at 5:57 p.m. there is one (1) vacancy.**

3. Approval of the Agenda:

Chair Peregon requested Item 7f be removed from the agenda. Director Lutz noted that item 7e listed a different LLC than the applicant entity, and noted the correct name as Green Development Ventures, LLC. Consultant Searles noted the correct LLC name for Item 7d as Maple Hill Lease Holders, LLC.

Director Wenzel moved to approve Item 3 as amended, removing Item 7f and noting the correct LLC names for Item 7e and Item 7d, and Director Milks seconded. None opposed, motion carried.

4. Approval of Minutes: BRA Minutes of February 27, 2025

Director Milks moved to approve Item 4, the Minutes of February 27, 2025, as presented, Director Lutz seconded. None opposed, motion carried.

5. Public Comments (4 minutes each)

John Taylor, Vice Chair of the Kalamazoo County Board of Commissions (KCBOC) thanked the KCBRA for their involvement with Item 7a and expressed excitement with the proposed redevelopment of the site for the use of for sale housing units with an affordability component. Vice Chair Taylor briefly mentioned conversations with the Chair of the KCBOC, and although they are not wishing to include an extended affordability period within Item 7a, in relation to the Pavilion Investors, LLC Brownfield Plan, due to current approval timeline of the brownfield plan approval and the possibility to slow down the development process. Vice Chair Taylor expressed interest in the KCBOC collaborating with the KCBRA on future projects to strategize funding tools to offer income qualified for sale housing units with an extended affordability period.

6. Consent Agenda

a. **From General Fund:**

- i. **\$35.00** – Staff Registration for EGLE Brownfields Stakeholder Workshop
- ii. **\$63.75** – Fishbeck Invoice 449918 (W.O. 2025-1 Gen. Env.)
- iii. **\$5,311.08** – Fishbeck Invoice 449919 (W.O. 2025-1 Gen. Env.)
- iv. **\$2,323.25** – Fishbeck Invoice 449934 (W.O. 2025-2 KVHH)

b. **From LBRF Fund:**

- i. **\$10,144.55** – Fishbeck Invoice 449775 (W.O. 2024-2 YWCA)

c. **From EPA Grant Fund:**

- i. **\$330.47** – Fishbeck Invoice 449928 (W.O. #18 J. Smith Ent.)
- ii. **\$490.78** – Fishbeck Invoice 449917 (W.O. #2 Outreach & Programmatic)

Director Lutz moved to approve Item 6 as presented, Director Wenzel seconded. None opposed, motion carried.

7. Discussion and/or Action Calendar

a. **Action:** Pavilion Investors, LLC Development Agreement (Draft)

Vice Chair Taylor thanked the KCBRA inviting members of the KCBOC to speak on the item and stated that it was his impression the Kalamazoo County Board of Commissioners (KCBOC) did not wish to enforce an affordability period on this project, due to the timeline concerns with the approval schedule, but wished to consider participation on future housing tax increment financing plans. Vice Chair Taylor shared an opinion on wanting to ensure the units are attainable to those within those qualifying income brackets when transferring ownership and expressed an interest in plans that allow for attainable housing with varied AMI percentages.

Commissioner Morales share the same opinion as Vice Chair Taylor, and it was stated that individuals earning the average salary in Kalamazoo may find it challenging to afford a home in the area.

The developer and BRA staff discussed the Township's role in not requiring an affordability period on the units, and how the Community Benefits Agreement (CBA) that is referenced within the item was negotiated. Consultant Mulholland noted the CBA does not account for the possibility of the brownfield plan delaying capture, and how that might impact the developer's payment structure within the CBA in year 16 of the plan.

KCBRA Board members considered the opinions of the Commissioners and discussed a preference of seeing affordable units remain attainable in Housing TIF Plans and discussed how affordability periods would be enforced. Discussion ensued regarding the capacity of the KCBRA to administer compliance activities beyond the first sale of for-sale units. The KCBRA board discussed future policy discussions related to Housing TIF Plans, and how each project may vary depending on affordability requirements. BRA Staff asked Consultant Berlin to elaborate on the known legalities of how the KCBRA would administer an affordability period and how compliance would be monitored.

Consultant Berlin described that the developer has no method for enforcing an affordability period beyond the first sale of each unit, but the KCBRA or one of the Local Units of Government may be able to enforce a deed restriction by either clawing back of funds other methods. Ultimately, greater research would be needed on how the claw back of funds on an eligible expense would impact the total scope of the brownfield plan or whether the funds would be eligible for tax increment financing capture by the BRA.

Commissioner Morales was no longer connected virtually to the meeting, the meeting temporarily lost quorum at 4:12 p.m. and the discussion regarding Item 7a stopped. BRA Staff announced that developers may either stay and present their items with no discussion that leads to action or wait and see if the meeting is able to regain quorum and proceed. Quorum was continued at 4:16 p.m. and discussion leading to action regarding Item 7a continued.

The KCBRA discussed the preferred timeline related to brownfield plan approval by the KCBOC and fully executing the Development Agreement, and whether the item should be tabled until the next meeting to consider extending the affordability period.

Discussion ensued regarding the implications of enforcing an affordability period within Item 7a and how that may influence the approval timeline and development timeline, due to the unknowns of claw back enforcement and the timeline that it may take for legal counsel review. Director Milks requested the minutes reflected the affordability discussion on Item 7a, and the discussion regarding future processes of deciding affordability periods and compliance activities related to Housing TIF Plans.

Director Milks moved to approve the item 7a, as presented, authorizing the Chair to sign the agreement, Director Wenzel Seconded. A Roll Call Vote was

taken, the motion carried with three (3) Yes, and zero (0) No, and two Abstained (2); Director Lutz abstained from discussion and voting, and Director Morales abstained from voting.

- b. **Action:** Developer Invoice Packets for Eligible Expenses in Brownfield Plans
 - i. Kalamazoo Hotel Group, LLC (Delta Marriott BFP) Total Eligible Expenses \$248,552.03

The item was presented after Item 7e, and Consultant Searles noted the recommended payment of the invoice total is \$247,376.00, and the item should be updated to reflect the new total in April.

There was no quorum when this item was presented. After the presentation of materials, there was a consideration from the board that the item would be on the Consent Agenda for the next regular meeting instead of being presented a second time through the Discussion/Action Calendar.

- c. **Action:** Rooney's Soul Food Wagon
 - i. Part I & Part II Project Applications

Discussion ensued regarding the site being a known facility, Part 201 Site with the Department of Energy, Great Lakes, and Environment (EGLE). BRA Staff recommended the project based on the concept of site inventory and prospective predevelopment funding for an emerging developer.

Director Lutz moved to approve Item 7ci as presented, waiving the application fee, Director Wenzel seconded. None opposed, motion carried.

- ii. Fishbeck W.O. 2025-3 5928 E Michigan Ave. Comstock Twp

Discussion ensued regarding the current zoning request to the Township on the property, and how BRA Staff intentionally did not include the Phase II request on item 7cii. BRA Staff recommendation is to phase out work order approval until rezoning determinations are concluded, then proceed with additional sampling once it is known the site can be reused for the proposed development.

Director Wenzel moved to approved Item 7cii as presented, Director Lutz seconded. None opposed, motion carried.

- d. **Action:** Maple Hill Lease Holders, LLC, Part I & Part II Project Applications ~~Maple Hill Auto Group Part I & Part II Project Applications~~

Director Wenzel moved to approved Item 7d as presented, contingent upon
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receipt of the \$2,500.00 Part II project application fee, Director Milks seconded. None opposed, motion carried.

- e. **Action:** Green Development Ventures, LLC, Part I & Part II Project Applications ~~West Main 1, LLC, Part I & Part II Project Applications~~

Discussion ensued regarding the developer's consideration of an affordability period and their desire to collaborate with the KCBRA and local units of governments (LUGS) requirements as necessary.

Director Wenzel moved to approve Item 7e as presented, contingent upon receipt of the \$2,500.00 Part II application fee, Director Milks seconded. A Roll Call Vote was taken, the motion carried with three (3) Yes, zero (0) No, and two (2) abstained. Director Lutz and Director Morales abstained from voting and discussion.

- ~~f. **Action:** Kalamazoo County Land Bank LBRF Loan Request~~

Item 7f was removed from the agenda during Item 3, approval of the agenda.

Commissioner Morales was excused from the meeting at 5:18 p.m. and quorum ended, no discussion that would lead to action occurred beyond this point.

- g. **Discussion/Action:** Fishbeck

- i. General Environmental Memo & Billing Summary
- ii. EPA Grant Memo & Billing Summary

- h. **Discussion:** Selection Committees (April 25, 2024, Annual Meeting)

- i. Volunteers for Nomination Committee

8. Financial Reports **Staff presented the financial reports.**

- a. **Discussion:** KCBRA General Fund 243 Report

- i. Annual Audit Documentation for 2024 FY Submitted to County Finance

- b. **Discussion:** KCBRA Local Brownfield Revolving Fund

- i. Fund 242 Report

- ii. Approval of Meeting Notes for February 13, 2025, KCBRA Board Retreat

- 1. Emerging Developer & Predevelopment Fund

Item 7bii was not discussed due to lack of quorum.

9. Staff Report/Updates **Staff presented updates/reports**

- a. Pavilion Township Adopted Resolution for Pavilion Investors, LLC, BFP on 3/10/25
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- b. Pavilion Investors, LLC, Notice to Taxing Jurisdiction sent via Cert. Mail on 3/20/25
- c. Pavilion Investors, LLC, BFP Public Hearing & County Resolution 4/1/25 @ 6:45 p.m.
- d. MEDC Project Reporting Forms for 2024 FY emailed to Developers on 3/11/25
- e. Letter of Support sent to Sen. Peters for Parchment Mills Site #2 Funds 3/18/25
- f. EGLE Brownfields Stakeholder Workshop in Lansing on 4/16/25 from 1-5 p.m.
- g. KCBRA Brownfields Presentation to St. Joe County BRA 4/17/25 @ 2:00 p.m.
- h. KCBRA/EDC Board Vacancy Interviews with County BAC 4/10/25 @ 4:00 p.m.
- i. County Website Changed to .gov, KCBRA Website Domain Name Consideration

10. Other

11. Board Member Comments

12. Adjournment **The meeting ended at 5:37 p.m. There was no motion to adjourn because there was no quorum beginning at 5:18 p.m.**

THREE MEETING NEXT MONTH: Thursday, April 24, 2025, at 3:00 p.m.

MEETING ORDER BEGINNING AT 3:00 P.M. ~~EDC ANNUAL MEETING, KCBRA ANNUAL MEETING, AND THEN KCBRA REGULAR MEETING~~

KCBRA REGULAR MEETING, KCBRA ANNUAL MEETING, THEN EDC ANNUAL MEETING IMMEDIATELY FOLLOWING.

NOTE: KCBRA MEETINGS ARE HELD ON THE FOURTH THURSDAY OF THE MONTH.

Room 207a, County Admin Bldg - Or alternatively, held electronically or via teleconference. Please see the KCBRA website at www.kalcountybrownfield.com for electronic meeting notice and instructions

BOARD MEMBERS:

PLEASE CALL 384-8305 OR EMAIL MRWALT@KALCOUNTY.COM
IF YOU ARE UNABLE TO ATTEND THE MEETING

Meetings of the Kalamazoo County Brownfield Redevelopment Authority are open to all without regard to race, sex, color, age, national origin, religion, height, weight, marital status, political affiliation, sexual orientation, gender identity, or disability. The Kalamazoo County Brownfield Redevelopment Authority will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting upon four (4) business days' notice to the Kalamazoo County BRA. Individuals with disabilities requiring auxiliary aids or services should contact the Kalamazoo County BRA by writing or calling:

Macy Rose Walters
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Kalamazoo County Government
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